

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.304 of 2018

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Nagina Prasad, son of Late Ram Rakha, resident of Mohallah Sukardaliya, P.S. Mirganj, District Gopalganj(Bihar)

.... Petitioner/s

Versus

1. The Union of India through the General Manager, N.F. Railway, Maligaon, Guwahati, Assam
2. The Divisional Railway Manager, N.F. Railway, Katihar
3. The Senior Divisional Personnel Officer, N.F. Railway, Katihar
4. The Senior Divisional Operating Manager, N.F. Railway, Katihar
5. The Divisional Operating Manager (G), N.F. Railway, Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Munna Pd Dixit (M.P. Dixit), Advocate Mr. S.K. Dixit, Advocate Mr. S.K. Choubey, Advocate Mrs. Swastika, Advocate Mr. Shailendra Kumar, Advocate Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Anil Kumar Sinha, Advocate Mr. Akash Keshav, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 15-01-2018

Heard learned counsel for the petitioner and counsel for
the Railways.

We are in agreement with the reasons which have been
provided by the Tribunal that no interference is required at the stage
of issuance of charge-sheet. In the given background of the material
facts, the Tribunal had this to say :

*“4. Thereafter, what order the Appellate
Authority had passed not been placed on*



record. In addition, the applicant has not brought on record full sequence of events. Instead he has directly placed on record the order dated 20.01.2012 in O.A. No. 666 of 2004 by which the proceeding from the stage of charge sheet was quashed with liberty to the respondents to proceed a fresh as directed by the Hon'ble High Court in the judgment in CWJC No. 11559/2005 with 11570/2005 and 12077/2005.

5. The applicant's counsel submitted that charge memo has been issued in a wrong proforma as he is a retired employee.

6. It is well settled in law that in such a matter, the mention of a wrong procedure or incorrect proforma does not vitiate the proceeding. The substance of the issue is the main consideration the charge sheet has been issued in the wake of a major train accident.

7. In accordance with the Court's directions, respondents have issued a charge memo which has been challenged in this O.A. It is well settled in law that Tribunal should not normally interfere at the stage of charge sheet as charge sheet does not give any cause of action to a delinquent to approach a Court. An enquiry has to be allowed to proceed. Furthermore, this charge sheet have been issued in accordance with the direction of the Hon'ble High Court,



Patna and the Tribunal. Therefore, this O.A. is misconceived. Hence, the O.A. is dismissed. No costs.”

The reason for non-interference seems to be valid. Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	.01.2018
Transmission Date	NA

